

REMARKS

Claims 19-21, 25-28, 42-49, and 52 have been canceled. Claims 11-15, 29-41 have been withdrawn. Claims 1-10, 16-18, 23, 50, 51, 53-56, and 58-62 have been amended. Support for the amendments is found in the specification, claims and drawings as originally filed. No new subject matter has been added.

Claims 1-10, 16-18, 22-24, 50, 51 and 53-62 are Allowable

The Office has rejected claims 1-10, 16-18, 22-24, 50, 51 and 53-62, at paragraph 4, under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. Specifically, the Office Action states that claims 1, 8 and 16 include the element “wherein the new usage rights invalidate permission to play the previously accessed media asset at the first subscriber media device and validate permission to play the previously accessed media asset at a second subscriber media device.” Office Action, paragraph 4. Claims 1, 8 and 16 have been amended to remove the elements in question. Accordingly, claims 1-10, 16-18, 22-24, 50, 51 and 53-62 are allowable.

Claims 1, 2, 4, 5, and 53-56 are Allowable

The Office has rejected claims 1, 2, 4, 5 and 53-56, at paragraph 7 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over U.S. Pat. No. 7,213,005 (“Mourad”) in view of U.S. Pat. No. 7,395,438 (“Parks”). Applicants respectfully traverse the rejections.

The cited portions of Mourad and Parks fail to disclose or suggest the specific combination of claim 1. For example, the cited portions of Mourad and Parks, individually or in combination, fail to disclose or suggest sending, to a content provider that is distinct from a content broker system and a media device, a list of two or more media formats that can be utilized by the media device, as in claim 1.

Mourad describes a method and system of securely receiving data on a user’s system from a web broadcast infrastructure. Mourad, Abstract. The system described by Mourad uses content host sites, content providers, electronic digital content stores, and clearing houses to facilitate providing content to end user devices. Mourad, FIG. 6. Mourad describes an architecture of the system as having layers, including a content formatting layer, a content usage control layer, a content identification layer, and a license control layer. Mourad, FIG. 5 and

associated text starting at col. 22, line 44. The content formatting layer includes functions of content preprocessing and compression at a content provider and content de-scrambling and decompression at the user device. Mourad, col. 23, lines 40-44. The content compression includes using any compression algorithm that is appropriate for the type of the content and the transmission medium. Mourad, col. 23, lines 47-50, and col. 4, lines 25-58.

The cited portions of Mourad fail to disclose that the content compression is selected based on media formats that can be utilized by the user device. Rather, Mourad describes requiring that the user device run a particular end-user player application that is described by Mourad. See e.g., Mourad, col. 14, line 54 through col. 15, line 12, and col. 89, lines 44-63. Thus, there would be no need in the system of Mourad to send to a content provider a list of two or more media formats that can be utilized by the media device since the content provider would already know the capabilities of the end-user player application required by the system of Mourad. Accordingly, the cited portions of Mourad fail to disclose or suggest sending, to a content provider that is distinct from a content broker system and a media device, a list of two or more media formats that can be utilized by the media device, as in claim 1.

Parks describes a method for digital rights management, encryption and data protection for content on a device without interactive authentication. Parks, Title. Parks describes packaging digital content according to input parameters specified by a dictionary. The dictionary includes parameters such as the type of encoding that is to take place. Parks, col. 9, lines 23-30. Parks indicates that the dictionary is easily and quickly modifiable by an operator of an authoring tool. Parks, col. 9, lines 40-42. The cited portions of Parks fail to disclose or suggest sending, to a content provider that is distinct from a content broker system and a media device, a list of two or more media formats that can be utilized by the media device, as in claim 1. Rather, Parks indicates that “the type of encoding to be performed will not normally change.” Parks, col. 10, lines 19-20. Hence, claim 1 is allowable.

Additionally, the cited portions of Mourad and Parks, individually or in combination, fail to disclose or suggest receiving media content in a particular media format from the content provider, wherein the particular media format is selected by the content provider from the two or more media formats, as in claim 1. As explained above, the cited portions of Mourad and Parks fail to disclose or suggest sending a list of two or more media formats that can be utilized by the media device to a content provider. Accordingly, the cited portions of Mourad and Parks also

fail to disclose or suggest receiving media content in a particular media format from the content provider, wherein the particular media format is selected by the content provider from the two or more media formats, as in claim 1. Hence, claim 1 is allowable for at least this additional reason.

Further, the combination of Mourad and Parks is inappropriate since combining these references would change the operating principles of the references or render them unsatisfactory for their intended purpose. See MPEP 2143.01. In particular, Mourad states that:

The applications in the End-User Device(s) 109 for the Secure Digital Content Electronic Distribution System 100 perform two main functions: first the SC(s) processing and copy control; and second playback of encrypted Content 113. Whether the End-User Device(s) 109 is a Personal Computer or a specialized electronic consumer device, it has to be capable of performing these base functions.

Mourad, col. 88, lines 39-45 (emphasis added).

Mourad describes the SC processing as requiring both symmetric and asymmetric encryption techniques. Mourad, col. 15, line 60 through col. 22, line 41. Thus, Mourad expressly requires that the end-user device perform symmetric and asymmetric decryption processes.

In contrast to Mourad, Parks describes its system as being directed to “relatively small and/or simple devices” that “does not have relatively complex capabilities such as performing asymmetric key decryption and communicating with a remote entity over a network connection or the like.” Parks, col. 44, line 65 through col. 45, line 4 (emphasis added). Thus, imposing the complex encryption schemes required by Mourad on the system of Parks would change the express intended purpose and operating principles of Parks. Thus, any rejection based on the combination of Mourad and Parks is inappropriate since it would require changing the operating principles and/or the intended purpose of one or both of the references.

Claims 2, 4, 5 and 53-56 depend from claim 1, which Applicants have shown to be allowable. Hence, the cited portions of Mourad and Parks, individually or in combination, fail to disclose at least one element of each of claims 2, 4, 5 and 53-56. Accordingly, claims 2, 4, 5 and 53-56 are also allowable, at least by virtue of their dependence from claim 1.

Further, the dependent claims include additional elements that are not disclosed or suggested by the cited portions of Mourad and Parks. For example, the cited portions of Mourad

and Parks fail to disclose or suggest that the memory further includes a media asset table that includes data associated with media content acquired for the user account from a plurality of content providers, the data including, for each media content item, a unique identifier, a title, a category, a media type, a media characteristic, usage rights, a license key, a purchase date, a distributor purchase ID, a distributor unique content ID, and a distributor identifier, as in claim 2.

Mourad discloses an automatic metadata acquisition tool. Mourad, col. 61, lines 15-26. The automatic metadata acquisition tool accesses a database of a content provider to gather metadata for a user. *Id.* Thus, Mourad described metadata being communicated from the content provider directly to the user, and does not disclose or suggest that a memory of a content broker system includes a media asset table. Further, Mourad does not indicate that the metadata includes a purchase date, a distributor purchase ID, a distributor unique content ID, and a distributor identifier, as in claim 2. In the system of Mourad, where the metadata is gathered by a user using an automatic metadata acquisition tool from the content provider, these data elements would not be expected to be available, since the distributor would be the content provider. For example, the content provider would not need to store a “distributor identifier” identifying itself.

The cited portions of Parks also fail to disclose or suggest a memory that further includes a media asset table that includes data associated with media content acquired for the user account from a plurality of content providers, the data including, for each media content item, a unique identifier, a title, a category, a media type, a media characteristic, usage rights, a license key, a purchase date, a distributor purchase ID, a distributor unique content ID, and a distributor identifier, as in claim 2. Hence, claim 2 and claim 4, which depends from claim 2, are allowable for at least these additional reasons.

In another example, the cited portions of Mourad and Parks fail to disclose or suggest that a memory of a content broker system stores a media asset table associated with the user account, wherein the media asset table indicates usage rights associated with media assets, the usage rights including a right to store the received media content on at least one media device, as in claim 53. As explained above, Mourad describes a tool to enable a user to gather metadata from a content provider. Mourad, col. 61, lines 15-26. The cited portions of Mourad fail to disclose a memory of a content broker system that stores a media asset table associated with a user account. Additionally, the metadata gathered in Mourad is not disclosed to indicate a right to store the

received media content on at least one media device, as in claim 53. The cited portions of Parks also fail to disclose or suggest that a memory of a content broker system stores a media asset table associated with the user account, wherein the media asset table indicates usage rights associated with media assets, the usage rights including a right to store the received media content on at least one media device, as in claim 53. Hence, claim 53 is allowable for at least these additional reasons.

In another example, the cited portions of Mourad and Parks fail to disclose or suggest that a memory of a content broker system stores a media asset table associated with the user account, wherein the media asset table indicates usage rights associated with media assets, the usage rights including a right to store the received media content in a particular media format, as in claim 54. As explained above, Mourad describes a tool to enable a user to gather metadata from a content provider. Mourad, col. 61, lines 15-26. The cited portions of Mourad fail to disclose a memory of a content broker system that stores a media asset table associated with a user account. Additionally, the metadata gathered in Mourad is not disclosed to indicate a right to store the received media content in a particular media format, as in claim 54. The cited portions of Parks also fail to disclose or suggest that a memory of a content broker system stores a media asset table associated with the user account, wherein the media asset table indicates usage rights associated with media assets, the usage rights including a right to store the received media content in a particular media format, as in claim 54. Hence, claim 54 is allowable for at least these additional reasons.

Claims 3, 6 and 7 are Allowable

The Office has rejected claims 3, 6 and 7, at paragraph 8 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over Mourad in view of Parks and further in view of U.S. Pat. No. 7,290,288 (“Gregg”). Applicants respectfully traverse the rejections.

Claims 3, 6 and 7 depend from claim 1. As explained above, the cited portions of Mourad and Parks, individually or in combination, fail to disclose or suggest the specific combination of claim 1. The cited portions of Gregg fail to disclose or suggest the portions of claim 1 that are not disclosed or suggested by the cited portions of Mourad and Parks. For example, the cited portions of Gregg fail to disclose or suggest sending, to a content provider that is distinct from a content broker system and a media device, a list of two or more media formats

that can be utilized by the media device, as in claim 1. Additionally, the cited portions of Gregg fail to disclose or suggest receiving media content in a particular media format from the content provider, wherein the particular media format is selected by the content provider from the two or more media formats, as in claim 1.

Gregg describes a method and system for controlling access, by an authentication server, to protected computer resources. Gregg, Abstract. The system of Gregg is a secure transaction system that is adapted for use with an untrusted network, such as the Internet worldwide web. The system restricts transaction services to only authenticated and authorized account holders. Gregg, col. 3, lines 36-53. The cited portions of Gregg fail to disclose or suggest sending, to a content provider that is distinct from a content broker system and a media device, a list of two or more media formats that can be utilized by the media device, as in claim 1. Additionally, the cited portions of Gregg fail to disclose or suggest receiving media content in a particular media format from the content provider, wherein the particular media format is selected by the content provider from the two or more media formats, as in claim 1. Hence, claim 1 is allowable

Accordingly, the cited portions of Mourad, Parks and Gregg, individually or in combination, fail to disclose at least one element of each of claims 3, 6 and 7. Thus, claims 3, 6 and 7 are allowable, at least by virtue of their dependence from claim 1.

Claim 57 is Allowable

The Office has rejected claim 57, at paragraph 9 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over Mourad in view of Parks and further in view of U.S. Pat. No. 6,822,663 (“Wang”). Applicants respectfully traverse the rejections.

Claim 57 depends from claim 1. As explained above, the cited portions of Mourad and Parks, individually or in combination, fail to disclose or suggest the specific combination of claim 1. The cited portions of Wang fail to disclose or suggest the portions of claim 1 that are not disclosed or suggested by the cited portions of Mourad and Parks. For example, the cited portions of Wang fail to disclose or suggest sending, to a content provider that is distinct from a content broker system and a media device, a list of two or more media formats that can be utilized by the media device, as in claim 1. Additionally, the cited portions of Wang fail to disclose or suggest receiving media content in a particular media format from the content

provider, wherein the particular media format is selected by the content provider from the two or more media formats, as in claim 1.

Wang describes a transform rule generator for web-based markup languages. Wang, Title. A graphical editing tool is provided that allows a web designer to pull up source content pages where information components are identified and assigned identifiers. The identified components are graphically arranged into a results area according to capabilities of a receiving web appliance. A set of transformation rules is generated according to the graphically arranged result. The rules are stored and applied by a proxy server device or the web appliance to transform requested source information. Wang, Abstract (emphasis added). Thus, capabilities of the web appliance are not sent to the content source. Accordingly, the cited portions of Wang fail to disclose or suggest sending, to a content provider that is distinct from a content broker system and a media device, a list of two or more media formats that can be utilized by the media device, as in claim 1. Additionally, the cited portions of Wang fail to disclose or suggest receiving media content in a particular media format from the content provider, wherein the particular media format is selected by the content provider from the two or more media formats, as in claim 1.

Accordingly, the cited portions of Mourad, Parks and Wang, individually or in combination, fail to disclose at least one element of claim 1. Thus, claim 57 is allowable, at least by virtue of its dependence from claim 1.

Claim 58 is Allowable

The Office has rejected claim 58, at paragraph 10 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over Mourad in view of Parks and further in view of U.S. Pat. No. 7,203,966 (“Abburi”). Applicants respectfully traverse the rejections.

Claim 58 depends from claim 1. As explained above, the cited portions of Mourad and Parks, individually or in combination, fail to disclose or suggest the specific combination of claim 1. The cited portions of Abburi fail to disclose or suggest the portions of claim 1 that are not disclosed or suggested by the cited portions of Mourad and Parks. For example, the cited portions of Abburi fail to disclose or suggest sending, to a content provider that is distinct from a content broker system and a media device, a list of two or more media formats that can be utilized by the media device, as in claim 1. Additionally, the cited portions of Abburi fail to

disclose or suggest receiving media content in a particular media format from the content provider, wherein the particular media format is selected by the content provider from the two or more media formats, as in claim 1.

Abburi describes an enforcement architecture and method for digital rights management for roaming a license to a plurality of user devices. Abburi, Title. Abburi describes packaging digital content according to input parameters specified by a dictionary. The dictionary includes parameters such as the type of encoding that is to take place. Abburi, col. 9, line 64 through col. 10, line 14. Abburi indicates that the dictionary is easily and quickly modifiable by an operator of an authoring tool. Abburi, col. 10, lines 15-19. The cited portions of Abburi fail to disclose or suggest sending, to a content provider that is distinct from a content broker system and a media device, a list of two or more media formats that can be utilized by the media device, as in claim 1. Rather, Abburi indicates that the type of encoding to be performed may not normally change. Abburi, col. 10, lines 61-62. Additionally, the cited portions of Abburi fail to disclose or suggest receiving media content in a particular media format from the content provider, wherein the particular media format is selected by the content provider from the two or more media formats, as in claim 1.

Accordingly, the cited portions of Mourad, Parks and Abburi, individually or in combination, fail to disclose at least one element of claim 58. Thus, claim 58 is allowable, at least by virtue of its dependence from claim 1.

Claims 8, 9, 59 and 60 are Allowable

The Office has rejected claims 8, 9, 59 and 60, at paragraph 11 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over Abburi in view of Parks. Applicants respectfully traverse the rejections.

The cited portions of Abburi and Parks fail to disclose or suggest the specific combination of claim 8. For example, the cited portions of Abburi and Parks, individually or in combination, fail to disclose sending device profile information regarding a subscriber media device, where the device profile information specifies two or more media formats that are compatible with the subscriber media device, as in claim 8.

Abburi describes an enforcement architecture and method for digital rights management for roaming a license to a plurality of user devices. Abburi, Title. Abburi describes packaging

digital content according to input parameters specified by a dictionary. The dictionary includes parameters such as the type of encoding that is to take place. Abburi, col. 9, line 64 through col. 10, line 14. Abburi indicates that the dictionary is easily and quickly modifiable by an operator of an authoring tool. Abburi, col. 10, lines 15-19. The cited portions of Abburi fail to disclose or suggest sending device profile information regarding a subscriber media device, where the device profile information specifies two or more media formats that are compatible with the subscriber media device, as in claim 8. Rather, Abburi indicates that the type of encoding to be performed may not normally change. Abburi, col. 10, lines 61-62.

Parks describes a method for digital rights management, encryption and data protection for content on a device without interactive authentication. Parks, Title. Parks describes packaging digital content according to input parameters specified by a dictionary. The dictionary includes parameters such as the type of encoding that is to take place. Parks, col. 9, lines 23-30. Parks indicates that the dictionary is easily and quickly modifiable by an operator of an authoring tool. Parks, col. 9, lines 40-42. The cited portions of Parks fail to disclose or suggest sending device profile information regarding a subscriber media device, where the device profile information specifies two or more media formats that are compatible with are compatible with the subscriber media device, as in claim 8. Rather, Parks indicates that “the type of encoding to be performed will not normally change.” Parks, col. 10, lines 19-20. Hence, claim 8 is allowable.

Additionally, the cited portions of Abburi and Parks, individually or in combination, fail to disclose or suggest receiving a media asset in a media format compatible with the subscriber media device from a content provider, where the media format is selected by the content provider based on the device profile information, as in claim 8. As explained above, the cited portions of Abburi and Parks fail to disclose or suggest sending a list of two or more media formats that can be utilized by the media device to a content provider. Accordingly, the cited portions of Abburi and Parks fail to disclose or suggest also fail to disclose or suggest receiving a media asset in a media format compatible with the subscriber media device from a content provider, where the media format is selected by the content provider based on the device profile information, as in claim 8. Hence, claim 8 is allowable for at least this additional reason.

Claims 9, 59, and 60 depend from claim 8, which Applicants have shown to be allowable. Hence, the cited portions of Abburi and Parks, individually or in combination, fail to disclose at

least one element of each of claims 9, 59 and 60. Accordingly, claims 8, 9, 59 and 60 are also allowable, at least by virtue of their dependence from claim 8.

Claim 10 is Allowable

The Office has rejected claim 10, at paragraph 12 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over Abburi in view of Parks and further in view of Wang. Applicants respectfully traverse the rejections.

Claim 10 depends from claim 8. As explained above, the cited portions of Abburi and Parks, individually or in combination, fail to disclose or suggest the specific combination of claim 8. The cited portions of Wang fail to disclose or suggest the portions of claim 8 that are not disclosed or suggested by the cited portions of Abburi and Parks. For example, the cited portions of Wang fail to disclose or suggest sending device profile information regarding a subscriber media device, where the device profile information specifies two or more media formats that are compatible with the subscriber media device, as in claim 8. Additionally, the cited portions of Wang fail to disclose or suggest receiving a media asset in a media format compatible with the subscriber media device from a content provider, where the media format is selected by the content provider based on the device profile information, as in claim 8.

Wang describes a transform rule generator for web-based markup languages. Wang, Title. A graphical editing tool is provided that allows a web designer to pull up source content pages where information components are identified and assigned identifiers. The identified components are graphically arranged into a results area according to capabilities of a receiving web appliance. A set of transformation rules is generated according to the graphically arranged result. The rules are stored and applied by a proxy server device or the web appliance to transform requested source information. Wang, Abstract (emphasis added). Thus, capabilities of the web appliance are not sent to the content source. Accordingly, the cited portions of Wang fail to disclose or suggest sending device profile information regarding a subscriber media device, where the device profile information specifies two or more media formats that are compatible with the subscriber media device, as in claim 8. Additionally, the cited portions of Wang fail to disclose or suggest receiving a media asset in a media format compatible with the subscriber media device from a content provider, where the media format is selected by the

content provider based on the device profile information, as in claim 8. Hence, claim 8 is allowable.

Accordingly, the cited portions of Abburi, Parks and Wang, individually or in combination, fail to disclose at least one element of claim 8. Thus, claim 10 is allowable, at least by virtue of its dependence from claim 8.

Claims 16-18, 22, 23 and 62 are Allowable

The Office has rejected claims 16-19, 21-23 and 62, at paragraph 13 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over Wang in view of Parks. Claims 19 and 21 have been canceled, without prejudice or disclaimer, rendering the rejections of claims 19 and 21 moot. Applicants respectfully traverse the remaining rejections.

The cited portions of Wang and Parks fail to disclose or suggest the specific combination of claim 16. For example, the cited portions of Wang and Parks, individually or in combination, fail to disclose or suggest a content broker process server to provide to a subscriber access to a content brokerage service and access to a remote content provider using a set of single sign-on credentials, as in claim 16. Additionally, the cited portions of Wang and Parks, individually or in combination, fail to disclose or suggest a memory to store a device profile and to provide the device profile to a remote content provider, wherein the device profile includes information identifying a plurality of media formats that are useable by the subscriber media device and memory information associated with the subscriber media device, as in claim 16.

Wang describes a transform rule generator for web-based markup languages. Wang, Title. A graphical editing tool is provided that allows a web designer to pull up source content pages where information components are identified and assigned identifiers. The identified components are graphically arranged into a results area according to capabilities of a receiving web appliance. A set of transformation rules is generated according to the graphically arranged result. The rules are stored and applied by a proxy server device or the web appliance to transform requested source information. Wang, Abstract (emphasis added). Thus, capabilities of the web appliance are not sent to the content source.

Parks describes a method for digital rights management, encryption and data protection for content on a device without interactive authentication. Parks, Title. Parks describes packaging digital content according to input parameters specified by a dictionary. The dictionary

includes parameters such as the type of encoding that is to take place. Parks, col. 9, lines 23-30. Parks indicates that the dictionary is easily and quickly modifiable by an operator of an authoring tool. Parks, col. 9, lines 40-42. Parks also indicates that “the type of encoding to be performed will not normally change.” Parks, col. 10, lines 19-20. Thus, the cited portions of Wang and Parks, individually or in combination, fail to disclose or suggest a content broker process server to provide to a subscriber access to a content brokerage service and access to a remote content provider using a set of single sign-on credentials, as in claim 16. Additionally, the cited portions of Wang and Parks, individually or in combination, fail to disclose or suggest a memory to store a device profile and to provide the device profile to a remote content provider, wherein the device profile includes information identifying a plurality of media formats that are useable by the subscriber media device and memory information associated with the subscriber media device, as in claim 16. Hence, claim 16 is allowable.

Claims 17, 18, 22, 23 and 62 depend from claim 16, which Applicants have shown to be allowable. Hence, the cited portions of Wang and Parks, individually or in combination, fail to disclose at least one element of each of claims 17, 18, 22, 23 and 62. Accordingly, claims 17, 18, 22, 23 and 62 are also allowable, at least by virtue of their dependence from claim 16.

Further, the dependent claims include additional elements that are not disclosed or suggested by the cited portions of Wang and Parks. For example, the cited portions of Wang and Parks fail to disclose or suggest device profile information that includes a memory address to identify a free memory block to store distributed content data, as in claim 22. Although the Office Action, at p. 22, cites to several portions of Wang as allegedly disclosing the subject matter of claim 22, none of the cited portions of Wang mention memory or a memory address. Further, a text search of the published version of Wang available at the U.S. Patent and Trademark Office website indicates that Wang does not include the terms “memory” or “address” in the text of the patent. Accordingly, Applicants respectfully submit that the cited portions of Wang fail to disclose or suggest device profile information that includes a memory address to identify a free memory block to store distributed content data, as in claim 22. The cited portions of Parks also fail to disclose or suggest device profile information that includes a memory address to identify a free memory block to store distributed content data, as in claim 22. Hence, claim 22 is allowable for at least this additional reason.

Claims 24, 50 and 61 are Allowable

The Office has rejected claims 20, 24, 50 and 61, at paragraph 14 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over Wang in view of Parks and further in view of Abburi. Claim 20 has been canceled, without prejudice or disclaimer, rendering the rejection of claim 20 moot. Applicants respectfully traverse the remaining rejections.

Claims 24, 50 and 61 depend from claim 16. As explained above, the cited portions of Wang and Parks, individually or in combination, fail to disclose or suggest the specific combination of claim 16. The cited portions of Abburi fail to disclose or suggest the portions of claim 16 that are not disclosed or suggested by the cited portions of Wang and Parks. For example, the cited portions of Abburi fail to disclose or suggest a content broker process server to provide to a subscriber access to a content brokerage service and access to a remote content provider using a set of single sign-on credentials, as in claim 16. Additionally, the cited portions of Abburi fail to disclose or suggest a memory to store a device profile and to provide the device profile to a remote content provider, wherein the device profile includes information identifying a plurality of media formats that are useable by the subscriber media device and memory information associated with the subscriber media device, as in claim 16.

Abburi describes an enforcement architecture and method for digital rights management for roaming a license to a plurality of user devices. Abburi, Title. Abburi describes packaging digital content according to input parameters specified by a dictionary. The dictionary includes parameters such as the type of encoding that is to take place. Abburi, col. 9, line 64 through col. 10, line 14. Abburi indicates that the dictionary is easily and quickly modifiable by an operator of an authoring tool. Abburi, col. 10, lines 15-19. Abburi indicates that the type of encoding to be performed may not normally change. Abburi, col. 10, lines 61-62. The cited portions of Abburi fail to disclose or suggest a content broker process server to provide to a subscriber access to a content brokerage service and access to a remote content provider using a set of single sign-on credentials, as in claim 16. Additionally, the cited portions of Abburi fail to disclose or suggest a memory to store a device profile and to provide the device profile to a remote content provider, wherein the device profile includes information identifying a plurality of media formats that are useable by the subscriber media device and memory information associated with the subscriber media device, as in claim 16. Hence, claim 16 is allowable

Accordingly, the cited portions of Wang, Parks and Abburi, individually or in combination, fail to disclose at least one element of each of claims 24, 50 and 61. Thus, claims 24, 50 and 61 are allowable, at least by virtue of their dependence from claim 16.

Further, the dependent claims include additional elements that are not disclosed or suggested by the cited portions of Wang, Parks, and Abburi. For example, the cited portions of Wang and Parks fail to disclose or suggest content asset information stored in the media asset table further includes purchase data, as in claim 24. The Office admits that Wang and Parks do not teach purchase data. Office Action, p. 24. However, the Office Action, at p. 24, asserts that Abburi teaches “that source data can be purchased.” In support of this assertion, the Office Action concludes that “it would therefore have been obvious to one of ordinary skill in the art at the time of the invention to apply a known technique to a known method for improvement to yield predictable results.” Office Action, p. 24. Applicants respectfully submit that bare allegations, unsupported by facts, are not sufficient to support a prima facie case of obviousness. The Office has not pointed to any reference or combination of references as disclosing or suggesting a memory of a system to provide a content brokerage service that includes content asset information stored in the media asset table and that includes purchase data, as in claim 24. Further a text search of the published version of Abburi available from the U.S. Patent and Trademark Office website indicates that the term “purchase” appears in Abburi three times; however, Abburi does not discuss “purchase data” or storing purchase data. Hence, claim 24 is allowable for at least this additional reason.

Claim 51 is Allowable

The Office has rejected claim 51, at paragraph 15 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over Wang in view of Parks and further in view of Mourad. Applicants respectfully traverse the rejections.

Claim 51 depends from claim 16. As explained above, the cited portions of Wang and Parks fail to disclose or suggest the specific combination of claim 16. The cited portions of Mourad fail to disclose or suggest the portions of claim 16 that are not disclosed or suggested by the cited portions of Wang and Parks. For example, the cited portions of Mourad fail to disclose or suggest a content broker process server to provide to a subscriber access to a content brokerage service and access to a remote content provider using a set of single sign-on

credentials, as in claim 16. Additionally, the cited portions of Mourad fail to disclose or suggest a memory to store a device profile and to provide the device profile to a remote content provider, wherein the device profile includes information identifying a plurality of media formats that are useable by the subscriber media device and memory information associated with the subscriber media device, as in claim 16.

Mourad describes a method and system of securely receiving data on a user's system from a web broadcast infrastructure. Mourad, Abstract. The system described by Mourad uses content host sites, content providers, electronic digital content stores, and clearing houses to facilitate providing content to end user devices. Mourad, FIG. 6. Mourad describes an architecture of the system as having layers, including a content formatting layer, a content usage control layer, a content identification layer, and a license control layer. Mourad, FIG. 5 and associated text starting at col. 22, line 44. The content formatting layer includes functions of content preprocessing and compression at a content provider and content de-scrambling and decompression at the user device. Mourad, col. 23, lines 40-44. The content compression includes using any compression algorithm that is appropriate for the type of the content and the transmission medium. Mourad, col. 23, lines 47-50, and col. 4, lines 25-58.

The cited portions of Mourad fail to disclose or suggest a content broker process server to provide to a subscriber access to a content brokerage service and access to a remote content provider using a set of single sign-on credentials, as in claim 16. Additionally, the cited portions of Mourad fail to disclose or suggest a memory to store a device profile and to provide the device profile to a remote content provider, wherein the device profile includes information identifying a plurality of media formats that are useable by the subscriber media device and memory information associated with the subscriber media device, as in claim 16. Rather, Mourad describes requiring that the user device run a particular end-user player application that is described by Mourad. See e.g., Mourad, col. 14, lines 54 through col. 15, line 12, and col. 89, lines 44-63. Thus, there would be no need in the system of Mourad to store a device profile and to provide the device profile to a remote content provider, wherein the device profile includes information identifying a plurality of media formats that are useable by the subscriber media device and memory information associated with the subscriber media device, as in claim 16. Hence, claim 16 is allowable

Accordingly, the cited portions of Wang, Parks and Mourad fail to disclose at least one element of claim 16. Thus, claim 51 is allowable, at least by virtue of its dependence from claim 16.

CONCLUSION

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the cited portions of the references applied in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.

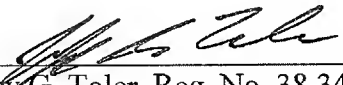
Any changes to the claims in this response, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

2-19-2010
Date


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